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# KOERNER & OLENDER, P.C.

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Robert L. Olender *
James A. Koerner
---
*not admitted in MD

Of Counsel
Robert Bennett Lubic*

April 3, 2000

RECEIVED
APR 3 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals, TW-A325
445 Twelfth Street, S.W.
Washington, DC 20554

Dear Ms. Salas:

On behalf of Logan and Company, there are transmitted herewith an original and four (4) copies of a Petition for Rule Making, seeking a proceeding looking toward the allotment of FM Channel 255A to Hornbrook, California.

Should additional information be necessary in connection with this matter, please communicate with this office.

Very truly yours,

James A. Koerner,
Counsel for
Logan and Company

cc: Mr. Dean Flock

03440.01

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# Before the
# Federal Communications Commission
## Washington, D.C. 20554



**ORIGINAL**

| | | |
|---|---|---|
| In the Matter of | ) | |
| | ) | |
| Amendment of Section 73.202(b) | ) | MM Docket No. _____ |
| Table of Allotments | ) | RM - |
| FM Broadcast Stations | ) | |
| (Hornbrook, California) | ) | |

To: Chief, Allocations Branch

## PETITION FOR RULE MAKING

Logan and Company ("Petitioner"), by its attorneys, hereby requests that the Commission issue a Notice of Proposed Rule Making looking toward the allotment of FM Channel 255A to Hornbrook, California, as that community's first local aural service. In support, the following is submitted:

1. Although Hornbrook is neither incorporated nor a Census Designated Place, it is listed in the Rand McNally Commercial Atlas & Marketing Guide, with a 1990 population of 350. Present population is estimated to be 400. Hornbrook has its own post office, with Zip Code 96044.

2. While most governmental services are provided to the community by Siskiyou County, that does not detract from Hornbrook's status as a community for allotment purposes. As the Commission has noted on numerous previous occasions, there may be many reasons why the county provides services. It has its own volunteer fire department and a school with Kindergarten through 8th Grade. In addition, there are three (3) churches and a number of local businesses ranging from an antique store to a beauty shop to a dude ranch. Service stations and restaurants are also present.

3. The nearest large population centers are Yreka, California (approximately 20 miles south), and Medford, Oregon (approximately 30 miles north).

4. Hornbrook qualifies as a community for allotment purposes under well-established precedent. See, e.g., Cal-Nev-Ari, Nevada, 14 FCC Rcd 17153 (1999); Implementation of BC Docket No. 80-90 to Increase the Availability of FM Broadcasting Assignments (Semora, North Carolina), 5 FCC Rcd 934 (1990); Seven Locks Broadcasting Co., 37 FCC 82 (1964).

5. Attached hereto is an Engineering Exhibit prepared by Brown Broadcast Services, demonstrating that Channel 255A can be allotted to Hornbrook, with a minor site restriction, in full compliance with current spacing requirements, and providing city grade coverage of the city of license.

6. Petitioner hereby states its intention to apply for the channel if allotted, and to construct and operate the station after grant of the application.

7. Accordingly, it is respectfully requested that a Notice of Proposed Rule Making be issued looking toward the addition of Channel 255A to the FM Table of Allotments at Hornbrook, California.

Respectfully submitted,

**LOGAN AND COMPANY**

By: _____
James A. Koerner
Its Attorney

**Koerner & Olender, P.C.**
5809 Nicholson Lane
Suite 124
North Bethesda, MD 20852
(301) 468-3336

April 3, 2000

03440.01.PET.RM.0331.2000

# ENGINEERING EXHIBIT

**FOR**

# PETITION FOR RULEMAKING

## TO AMEND THE FM TABLE OF ALLOTMENTS

## ADDING CH 255A AT HORNBROOK, CALIFORNIA

**prepared for**

**Logan and Company**

**February 15, 2000**

BROWN BROADCAST SERVICES
INCORPORATED

Michael D. Brown | 3740 S.W. Comus St. | Portland, Oregon 97219-7418 | 503-245-6065

# INDEX OF EXHIBITS

**ENGINEERING EXHIBIT**
**FOR PROPOSED RULEMAKING**
**TO AMEND THE FM TABLE OF ALLOTMENTS**
**ADDING CH 255A (98.9mhz) AT HORNBROOK, CALIFORNIA**
**prepared for Logan and Company**
**February 15, 2000**




BROWN BROADCAST SERVICES
INCORPORATED
Michael D. Brown 3740 S.W. Comus St. Portland, Oregon 97219-7418 503-245-6065

# EXHIBIT E
## ENGINEERING STATEMENT

The attached engineering statement and exhibits have been prepared on behalf of Logan and Company relative to a Petition to amend the Table of FM Allotments, 47 CFR §73.202(b) of the FCC Rules. The Petition for Rulemaking described herein requests the addition of Channel 255A (98.9mhz) to the community of Hornbrook, California. This would provide the first local radio service to the community.

The proposed allocation site reference coordinates are 41°, 53', 06" North Latitude; 122°, 35', 03" West Longitude, Jilson Mine, near Hornbrook and Henley, California. As shown in the Spacing Study **Exhibit E-1**, this site is fully spaced to all other facilities,

The allocation site is located 3.7km from the Hornbrook community center, on a bearing of 221 degrees true. A site restriction southwest of the community of license will be required, due to spacing requirements with KAGO (Ch 258C1), Klamath Falls, Oregon, and KBNF (CH255C), Chester, California.

**Exhibit E-2a** shows that Hornbrook would easily be encompassed by the principal community (70dBu) contour, as required by §73.315(a). There would be good line-of-sight coverage to Hornbrook from this location. Based on the 1990 census, there would be 19,898 persons residing within the 60dbu contour.

**Exhibit E-2b** contains the contour data used in **Exhibit E-2a**.

# SUMMARY

| | |
|---|---|
| Proposed - Add: | Hornbrook, California<br>CH: 255A (98.9mhz) |
| Reference Site Location: | 41:53:06 N; 122-35 03 W, Jilson Mine,<br>near Henley, California;<br>3.7km from Hornbrook, California,<br>on a bearing of 221 degrees true |
| Effective Radiated Power: | 6.0kw ERP |
| Antenna HAAT: | 100m |
| Area within 60dBu Contour: | 2935km$^2$ |
| Population within 60dBu Contour: | 19,898 (1990) |

BROWN BROADCAST SERVICES
INCORPORATED
Michael D. Brown 3740 S.W. Comus St. Portland, Oregon 97219-7418 503-245-6065

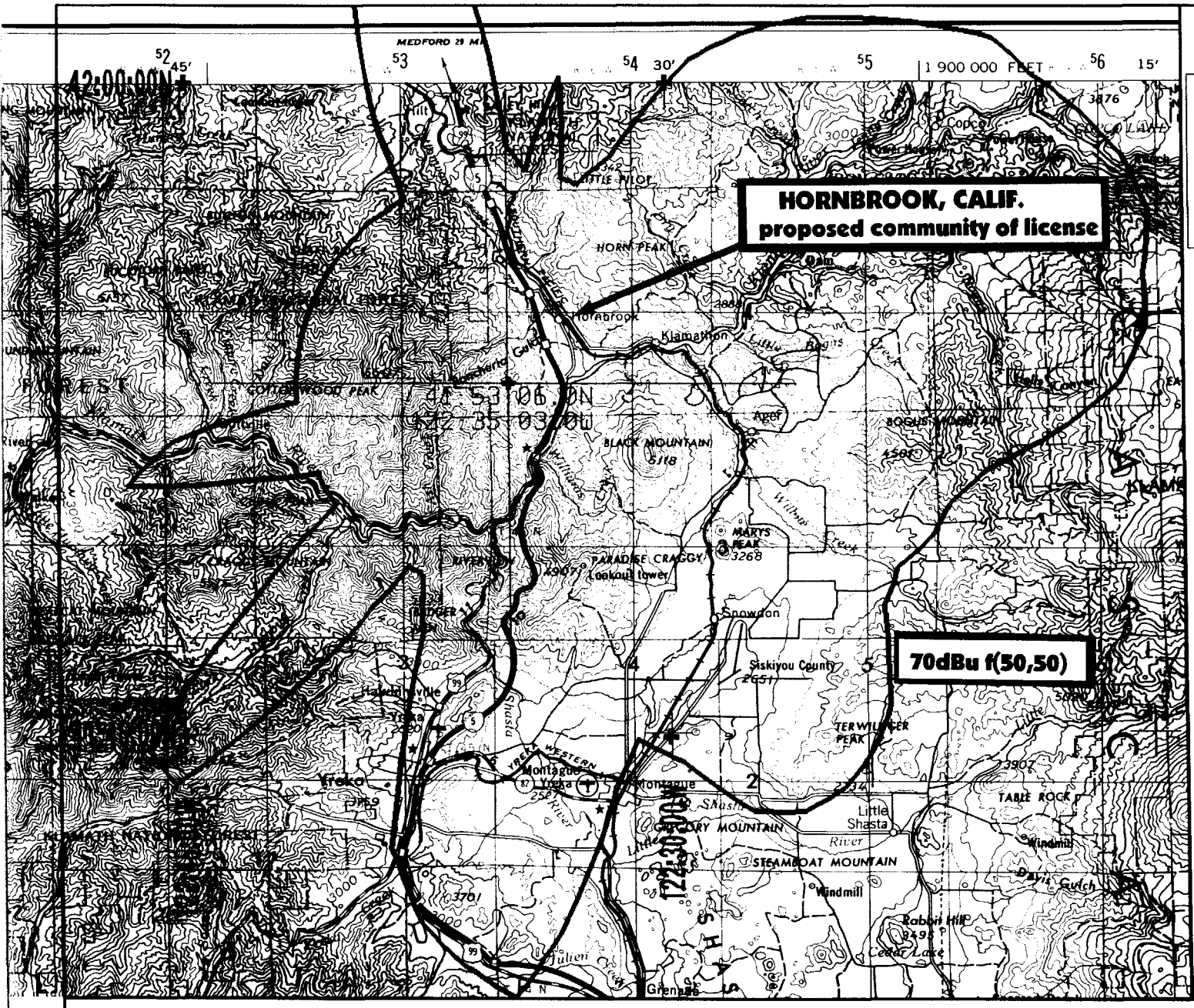
# EXHIBIT E-1
## SPACING STUDY

MAPFM search of channel 255A6 (98.9 MHz), at N. 41 53 6, W. 122 35 3.

Searching Channel 255A6 (98.9 MHz):

| CALL | CITY | ST | CHN | CL | S | DIST | SEPN | BRNG | CLEARANCE |
|---|---|---|---|---|---|---|---|---|---|
| KNSQ | Mount Shasta | CA | 201 | C2 | L | 77.3 | 14.0 | 162.0° | 63.3 |
| K201BG | Dead Indian etc. | OR | 201 | D | L | 34.7 | 0.0 | 344.7° | 34.7 |
| K201CK | Klamath Falls | OR | 201 | D | L | 74.7 | 0.0 | 60.5° | 74.7 |
| K202AP | Mccloud, etc. | CA | 202 | D | L | 67.9 | 0.0 | 151.2° | 67.9 |
| NEW-T | Fort Jones | CA | 202 | D | A | 40.3 | 0.0 | 217.1° | 40.3 |
| KSRG | Ashland | OR | 202 | A | L | 47.8 | 10.0 | 343.4° | 37.8 |
| ALC | Harbeck-Fruitdale | OR | 252 | C2 | U | 79.4 | 55.0 | 314.0° | 24.4 |
| KLDR | Harbeck-Fruitdale | OR | 252 | C2 | L | 79.4 | 55.0 | 314.0° | 24.4 |
| ALC | Keno | OR | 253 | A | V | 60.5 | 31.0 | 63.9° | 29.5 |
| NEW | Keno | OR | 253 | A | A | 73.3 | 31.0 | 66.8° | 42.3 |
| NEW | Keno | OR | 253 | A | A | 73.7 | 31.0 | 59.4° | 42.7 |
| K254AD | Medford | OR | 254 | D | L | 54.6 | 0.0 | 342.3° | 54.6 |
| ALC | Chester | CA | 255 | C | U | 225.7 | 226.0 | 144.4° | -0.3* |
| K255AK | Happy Camp | CA | 255 | D | C | 63.9 | 0.0 | 267.3° | 63.9 |
| KBNF | Chester | CA | 255 | C | L | 225.7 | 226.0 | 144.4° | -0.3* |
| KBNF | Chester | CA | 255 | C | C | 225.7 | 226.0 | 144.4° | -0.3* |
| ALC | Ferndale | CA | 256 | C1 | U | 202.0 | 133.0 | 224.1° | 69.0 |
| KAJK | Ferndale | CA | 256 | C1 | L | 209.8 | 133.0 | 222.9° | 76.8 |
| K257CA | Mount Shasta | CA | 257 | D | L | 64.5 | 0.0 | 155.1° | 64.5 |
| K257BO | Jacksonville, etc. | OR | 257 | D | C | 47.8 | 0.0 | 343.2° | 47.8 |
| K257BO | Jacksonville | OR | 257 | D | L | 47.6 | 0.0 | 343.2° | 47.6 |
| ALC | Klamath Falls | OR | 258 | C1 | U | 74.7 | 75.0 | 60.5° | -0.3* |
| KAGOFM | Klamath Falls | OR | 258 | C1 | L | 74.7 | 75.0 | 60.5° | -0.3* |

** Per FCC Rules §73.208(c)(8), separations are to be rounded to the nearest kilometer. On that basis, this site is fully spaced.*




NEW HORNBROOK, CA FM
CH 255A
Reference Site
-Jilson Mine
February 10, 2000
job1141

**EXHIBIT E-2a**
**70dBu COVERAGE CONTOURS**

Scale 1: 250000.

Brown Broadcast Services, Inc.
Michael D. Brown, SBE-CSRE
Portland, OR U.S.A.
503-245-6065

# EXHIBIT E-2b
## MAP DATA - COVERAGE CONTOURS

PROPOSED NEW CH255A — EXHIBIT E-2b
Hornbrook, Calif. — PAGE 1
Transmitter Latitude: 41:53:06.0N Longitude: 122:35:03.0W
Transmitter center of radiation: 1044.0 m AMSL ( 72.00 m AGL)
Power: 6.000 kW Channel 255

| Azimuth (Deg T) | HAAT (m ) | Horizontal Relative Field | Equiv Power | Rough Correct | f(50,50) 60.0 dBu (km) | f(50,50) 70.0 dBu (km) |
|---|---|---|---|---|---|---|
| .00 | 38.59 | 1.000 | 6.000 | .000 | 17.93 | 10.07 |
| 5.00 | 31.04 | 1.000 | 6.000 | .000 | 16.01 | 9.07 |
| 10.00 | 68.47 | 1.000 | 6.000 | .000 | 23.75 | 13.28 |
| 15.00 | 18.71* | 1.000 | 6.000 | .000 | 15.88 | 8.99 |
| 20.00 | 13.01* | 1.000 | 6.000 | .000 | 15.88 | 8.99 |
| 25.00 | 42.15 | 1.000 | 6.000 | .000 | 18.80 | 10.53 |
| 30.00 | 96.82 | 1.000 | 6.000 | .000 | 27.87 | 15.86 |
| 35.00 | 124.79 | 1.000 | 6.000 | .000 | 31.24 | 18.26 |
| 40.00 | 154.13 | 1.000 | 6.000 | .000 | 34.55 | 20.31 |
| 45.00 | 182.82 | 1.000 | 6.000 | .000 | 37.44 | 21.99 |
| 50.00 | 217.25 | 1.000 | 6.000 | .000 | 40.13 | 23.78 |
| 55.00 | 255.87 | 1.000 | 6.000 | .000 | 42.69 | 25.69 |
| 60.00 | 268.80 | 1.000 | 6.000 | .000 | 43.51 | 26.28 |
| 65.00 | 292.88 | 1.000 | 6.000 | .000 | 45.03 | 27.37 |
| 70.00 | 315.08 | 1.000 | 6.000 | .000 | 46.40 | 28.37 |
| 75.00 | 323.26 | 1.000 | 6.000 | .000 | 46.91 | 28.74 |
| 80.00 | 306.88 | 1.000 | 6.000 | .000 | 45.89 | 28.00 |
| 85.00 | 300.64 | 1.000 | 6.000 | .000 | 45.51 | 27.72 |
| 90.00 | 271.20 | 1.000 | 6.000 | .000 | 43.67 | 26.39 |
| 95.00 | 216.13 | 1.000 | 6.000 | .000 | 40.05 | 23.72 |
| 100.00 | 164.51 | 1.000 | 6.000 | .000 | 35.69 | 20.96 |
| 105.00 | 145.16 | 1.000 | 6.000 | .000 | 33.54 | 19.71 |
| 110.00 | 139.66 | 1.000 | 6.000 | .000 | 32.91 | 19.32 |
| 115.00 | 128.37 | 1.000 | 6.000 | .000 | 31.63 | 18.52 |
| 120.00 | 131.06 | 1.000 | 6.000 | .000 | 31.93 | 18.71 |
| 125.00 | 149.08 | 1.000 | 6.000 | .000 | 33.98 | 19.97 |
| 130.00 | 172.05 | 1.000 | 6.000 | .000 | 36.46 | 21.41 |
| 135.00 | 184.48 | 1.000 | 6.000 | .000 | 37.58 | 22.07 |
| 140.00 | 190.97 | 1.000 | 6.000 | .000 | 38.11 | 22.41 |
| 145.00 | 186.32 | 1.000 | 6.000 | .000 | 37.73 | 22.17 |
| 150.00 | 164.25 | 1.000 | 6.000 | .000 | 35.66 | 20.94 |
| 155.00 | 117.58 | 1.000 | 6.000 | .000 | 30.46 | 17.72 |
| 160.00 | 99.27 | 1.000 | 6.000 | .000 | 28.20 | 16.09 |
| 165.00 | 117.31 | 1.000 | 6.000 | .000 | 30.43 | 17.70 |
| 170.00 | 155.54 | 1.000 | 6.000 | .000 | 34.71 | 20.40 |
| 175.00 | 209.84 | 1.000 | 6.000 | .000 | 39.58 | 23.39 |
| 180.00 | 264.33 | 1.000 | 6.000 | .000 | 43.23 | 26.08 |

| Azimuth (Deg T) | HAAT (m ) | Horizontal Relative Field | Equiv Power | Rough Correct | f(50,50) 60.0 dBu (km) | f(50,50) 70.0 dBu (km) |
|---|---|---|---|---|---|---|
| 185.00 | 237.02 | 1.000 | 6.000 | .000 | 41.49 | 24.79 |
| 190.00 | 206.36 | 1.000 | 6.000 | .000 | 39.32 | 23.21 |
| 195.00 | 154.67 | 1.000 | 6.000 | .000 | 34.61 | 20.34 |
| 200.00 | 47.26 | 1.000 | 6.000 | .000 | 19.98 | 11.17 |
| 205.00 | 26.23* | 1.000 | 6.000 | .000 | 15.88 | 8.99 |
| 210.00 | 20.83* | 1.000 | 6.000 | .000 | 15.88 | 8.99 |
| 215.00 | 93.91 | 1.000 | 6.000 | .000 | 27.47 | 15.58 |
| 220.00 | 188.46 | 1.000 | 6.000 | .000 | 37.91 | 22.28 |
| 225.00 | 182.88 | 1.000 | 6.000 | .000 | 37.45 | 21.99 |
| 230.00 | 76.11 | 1.000 | 6.000 | .000 | 24.90 | 13.94 |
| 235.00 | -8.53* | 1.000 | 6.000 | .000 | 15.88 | 8.99 |
| 240.00 | -74.37* | 1.000 | 6.000 | .000 | 15.88 | 8.99 |
| 245.00 | -27.84* | 1.000 | 6.000 | .000 | 15.88 | 8.99 |
| 250.00 | 55.03 | 1.000 | 6.000 | .000 | 21.59 | 12.05 |
| 255.00 | 108.00 | 1.000 | 6.000 | .000 | 29.33 | 16.91 |
| 260.00 | 83.30 | 1.000 | 6.000 | .000 | 25.96 | 14.58 |
| 265.00 | -60.77* | 1.000 | 6.000 | .000 | 15.88 | 8.99 |
| 270.00 | -110.04* | 1.000 | 6.000 | .000 | 15.88 | 8.99 |
| 275.00 | -135.94* | 1.000 | 6.000 | .000 | 15.88 | 8.99 |
| 280.00 | -173.14* | 1.000 | 6.000 | .000 | 15.88 | 8.99 |
| 285.00 | -214.13* | 1.000 | 6.000 | .000 | 15.88 | 8.99 |
| 290.00 | -282.40* | 1.000 | 6.000 | .000 | 15.88 | 8.99 |
| 295.00 | -356.00* | 1.000 | 6.000 | .000 | 15.88 | 8.99 |
| 300.00 | -419.70* | 1.000 | 6.000 | .000 | 15.88 | 8.99 |
| 305.00 | -343.30* | 1.000 | 6.000 | .000 | 15.88 | 8.99 |
| 310.00 | -239.78* | 1.000 | 6.000 | .000 | 15.88 | 8.99 |
| 315.00 | -216.16* | 1.000 | 6.000 | .000 | 15.88 | 8.99 |
| 320.00 | -196.77* | 1.000 | 6.000 | .000 | 15.88 | 8.99 |
| 325.00 | -119.87* | 1.000 | 6.000 | .000 | 15.88 | 8.99 |
| 330.00 | -12.98* | 1.000 | 6.000 | .000 | 15.88 | 8.99 |
| 335.00 | 76.99 | 1.000 | 6.000 | .000 | 25.03 | 14.02 |
| 340.00 | 139.15 | 1.000 | 6.000 | .000 | 32.85 | 19.29 |
| 345.00 | 148.97 | 1.000 | 6.000 | .000 | 33.97 | 19.96 |
| 350.00 | 146.98 | 1.000 | 6.000 | .000 | 33.74 | 19.83 |
| 355.00 | 103.78 | 1.000 | 6.000 | .000 | 28.79 | 16.52 |
| | 99.76 m | Cardinal Average | | | | |
| | | | | Contour Areas: | 2935.26 sq km | 1018.50 sq km |

* HAAT assumed to be 30. m

# AFFIDAVIT

STATE OF OREGON )
) ss:
County of Multnomah )

Michael D. Brown, being duly sworn, states that since 1985 he has been owner of Brown Broadcast Services, a sole proprietorship, with offices in Portland, Oregon; that he has over 24 years of professional experience as a Radio Engineer; that he has been FCC licensed as a First Class Radiotelephone Operator (now superseded by the General Class License) since 1974; that he has been certified as a Senior Broadcast Engineer by the Society of Broadcast Engineers since 1990; that he has been preparing FCC Applications and Exhibits for over 11 years, and that he is qualified to prepare the technical data contained in this exhibit.

Affiant further states that he has been retained by the applicant to prepare the Engineering Exhibits contained herein, that the materials contained herein were prepared by him or under his direct supervision, and that he believes them to be a true and accurate representation of the facts as evident at the time of preparation.

Michael D. Brown

Subscribed and sworn to before me this 15th day of February 2000..

OFFICIAL SEAL
BETTY J. McARDLE
NOTARY PUBLIC-OREGON
COMMISSION NO. 323710
MY COMMISSION EXPIRES JUNE 7, 2003

Betty J. McArdle
Notary Public, Oregon

My commission expires June 7, 2003